

March 7, 2017

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street Southwest  
Washington, D.C. 20554

Dear Chairman Pai:

We write because we have serious reservations about your recent decision to set aside, rescind, and retract the “E-Rate Modernization Progress Report” authored by Federal Communications Commission (FCC) staff. This report was replete with facts showing how the 2014 E-Rate Modernization Orders have helped expand support for Wi-Fi, connect more schools to fiber, and bring financial stability for our neediest schools and libraries. Your decision to retract these facts and eliminate the report is worrying to us, who support this vital program.

The E-Rate program is one of the enduring legacies of the Telecommunications Act of 1996. The E-Rate program has helped ensure that the neediest schools and libraries have affordable access to the Internet. In 2014, the FCC adopted the two E-Rate Modernization Orders. These orders updated E-Rate for the broadband era – modernizing and streamlining the process, and expanding funding for Wi-Fi networks. These changes have already increased the numbers of students connected throughout the country, including in rural areas, giving them access to modern teaching tools that expand their knowledge and prepare them to enter the 21st century workforce. There’s also more money for Wi-Fi, with nearly 50,000 schools and libraries receiving Wi-Fi support in 2015, compared to zero in funding the years prior.

E-Rate has brought enormous benefits to students and library patrons across the country – especially in low-income or rural communities. You recently received a letter from Senator Nelson, Ranking Member of the Senate Committee on Commerce, Science, and Transportation, reiterating some of the important facts about E-Rate progress. We would also like to draw your attention to some additional facts:

- Schools in Bridgeport, **Connecticut** are receiving about \$1.6 million this school year for high-speed Internet and wireless access points. Before this upgrade, teachers have said they were hesitant to leverage connected learning opportunities for fear of a spotty connection.
- Over the past two years, the E-Rate program has committed \$73.8 million of assistance to over 1,000 schools in the Commonwealth of **Massachusetts** seeking to provide internet access to their students.
- For the Kansas City, **Kansas** School District, E-Rate has supported the district’s purchase of millions of dollars’ worth in bandwidth and connectivity hardware. Joe Fives, the

director of technology and information services for the district, has said, “We can’t go backward. We’re light years ahead of where we were.”<sup>1</sup>

- Schools are getting better and cheaper high-speed Internet service. As described in an article in *Education Week* about a school district in **Mississippi**: “For years, the superintendent of the 2,500-student Calhoun County schools has been charged outrageous rates for Internet service so slow his teachers couldn’t get online to take attendance. But following the FCC’s overhaul of a program known as E-rate, the district’s fortunes had abruptly turned.” Mike Moore, the superintendent of this district said, “Until we talked about building our own line, I don’t think [the companies] were serious. Washington gave us leverage.”<sup>2</sup>
- David Davis, the director of technology for Scottsbluff Public Schools in far western **Nebraska**, has said, because of E-Rate, “Now, there are fewer dead spots, and with higher bandwidth access points, our students and teachers can access content on the Internet much faster.”<sup>3</sup> This school district received 38% more funding in 2015, than 2013.
- In 2015, **New Jersey** received nearly \$87 million from E-Rate, helping to connect 161 libraries to high-speed Internet.
- **New Mexico** aims to bring high-speed Internet access to every classroom by 2018, with a state initiative and local match funding for schools that rely on E-Rate investments.<sup>4</sup>
- **Oregon’s** 226 school districts received nearly \$25 million in E-Rate funding in 2015 making it the third largest source of education funding coming into the state. Over 80 percent of school districts in Oregon received some such funding. The total amount of funding for 2016 is expected to exceed \$36 million as the E-Rate funds are utilized to expand and/or enhance connectivity in rural areas in the state.
- The Wayne Highlands School District in Northeast **Pennsylvania** has utilized Category Two E-rate funding to install 320 wireless access points—one in every classroom in the district. In this rural corner of the state, a region where broadband is too often a scarce commodity, the E-rate program has allowed the school district to redesign its technological infrastructure and provide students with the high-speed, wireless instructional strategies of the 21<sup>st</sup> Century.<sup>5</sup>

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<sup>1</sup> Robertson, Joe. “Educators fear Trump FCC appointee wants to slash money for school internet access.” *The Kansas City Star*. February 22, 2017. <http://www.kansascity.com/news/business/technology/article134301649.html>

<sup>2</sup> Harold, Benjamin. “Chapter 3; ‘Washington Gave Us Leverage’.” *Education Week*. November 19, 2015. <http://www.edweek.org/ew/projects/2015/rural-schools-broadband/federal-erate-reforms-affordable-broadband-internet.html>

<sup>3</sup> Wong, Wylie. “Schools Focus on Infrastructure After Securing E-Rate Funding.” *EdTech Magazine*. July 1, 2016. <http://www.edtechmagazine.com/k12/article/2016/07/e-rate-success-stories>

<sup>4</sup> New Mexico. “Governor’s Broadband for Education Initiative.” <http://www.broadband4education.nm.gov/> accessed Feb. 17, 2017.

<sup>5</sup> Schlegelmilch, Mary. “Digital Transformation in K-12 Education.” *Cisco Blogs: Education*. December 21, 2016. <http://blogs.cisco.com/education/digital-transformation-in-k-12-education>



- The state of **Texas** received \$314 million in E-Rate funding in 2015 – nearly double what it received in 2013 before E-Rate modernization.

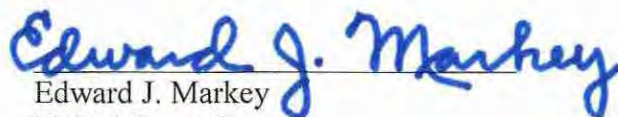
Please also find enclosed a spreadsheet showing just how much E-Rate modernization has benefited states nationwide. E-Rate helps schools and libraries in every state by supporting access to modern communications and the Internet. Such access is critical if we are a country that is serious about preparing and educating our children for the digital age.

The simple truth is that E-Rate has been nothing but extremely successful in helping schools and libraries in all 50 states have access to vital funding that ensures that kids in schools and libraries have high-speed Internet access and wireless connectivity. Your actions threaten to roll back progress made in all of these states and disrupt schools and libraries' carefully planned multi-year budgets. Accordingly, we call on you to guarantee that this treasured program will not be undermined in any way under your watch.

Sincerely,



Richard Blumenthal  
United States Senate



Edward J. Markey  
United States Senate



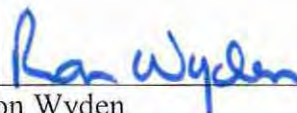
Tom Udall  
United States Senate



Kirsten Gillibrand  
United States Senate



Tammy Baldwin  
United States Senate



Ron Wyden  
United States Senate



Cory A. Booker  
United States Senate



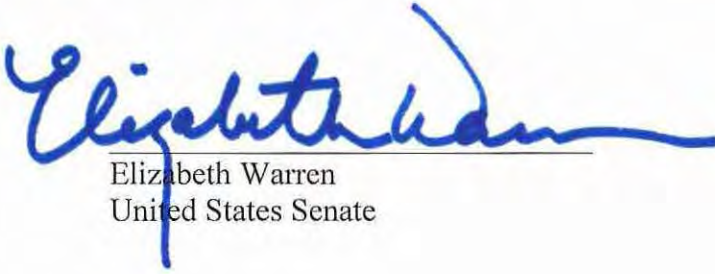
Gary C. Peters  
United States Senate



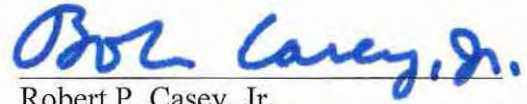
Al Franken  
United States Senate



Jeffrey A. Merkley  
United States Senate



Elizabeth Warren  
United States Senate



Robert P. Casey, Jr.  
United States Senate

State	Number of applications found (2013)	Number of funding requests found (2013)	Total committed amount (2013)	Number of applications found (2015)	Number of funding requests found (2015)	Total committed amount (2015)	Difference in total committed amount from 2013 to 2015	Percentage change in total committed amount 2013 to 2015
Alabama	692	1864	\$ 45,462,048	644	1726	\$ 68,132,472	\$ 22,670,424	50%
Alaska	148	470	\$ 59,638,747	182	435	\$ 86,306,693	\$ 26,667,947	45%
Arizona	668	2295	\$ 54,311,455	982	2698	\$ 80,284,407	\$ 25,972,952	48%
Arkansas	553	1314	\$ 29,552,396	662	1605	\$ 36,376,481	\$ 6,824,086	23%
California	2877	10749	\$ 317,987,195	3028	11582	\$ 462,056,369	\$ 144,069,174	45%
Colorado	495	1656	\$ 22,152,818	631	1795	\$ 28,506,947	\$ 6,354,129	29%
Connecticut	317	1057	\$ 20,167,590	400	1271	\$ 27,339,137	\$ 7,171,547	36%
Delaware	69	197	\$ 4,040,478	92	271	\$ 5,875,325	\$ 1,834,847	45%
Florida	1026	2847	\$ 72,865,685	1518	4311	\$ 160,004,777	\$ 87,139,093	120%
Hawaii	417	930	\$ 6,527,610	447	693	\$ 19,645,049	\$ 13,117,439	201%
Idaho	267	703	\$ 7,468,846	362	865	\$ 12,232,299	\$ 4,763,453	64%
Illinois	1750	6584	\$ 90,369,287	2394	8069	\$ 145,374,727	\$ 55,005,439	61%
Indiana	1134	2800	\$ 55,217,897	1322	3146	\$ 74,746,564	\$ 19,528,667	35%
Iowa	844	2246	\$ 16,789,328	954	2270	\$ 24,468,099	\$ 7,678,771	46%
Kansas	807	2392	\$ 20,548,806	965	2723	\$ 25,684,061	\$ 5,135,255	25%
Kentucky	506	1368	\$ 35,373,570	757	2012	\$ 54,560,206	\$ 19,186,635	54%
Louisiana	534	1565	\$ 48,745,654	608	2387	\$ 84,416,023	\$ 35,670,369	73%
Maine	283	574	\$ 8,255,595	312	639	\$ 11,741,697	\$ 3,486,102	42%
Maryland	221	932	\$ 29,646,845	263	875	\$ 29,016,358	\$ (630,488)	-2%
Massachusetts	759	2108	\$ 26,613,665	839	2412	\$ 45,693,733	\$ 19,080,068	72%
Michigan	1567	4169	\$ 47,130,165	1745	4870	\$ 65,921,946	\$ 18,791,781	40%
Minnesota	746	2405	\$ 27,630,879	977	2637	\$ 45,855,975	\$ 18,225,096	66%
Mississippi	563	1194	\$ 29,234,717	636	1501	\$ 44,822,555	\$ 15,587,838	53%
Missouri	944	2622	\$ 39,870,513	1209	3115	\$ 67,487,891	\$ 27,617,377	69%
Montana	339	1276	\$ 5,286,199	400	1411	\$ 6,804,803	\$ 1,518,604	29%
Nebraska	780	1538	\$ 10,640,720	822	1592	\$ 15,294,727	\$ 4,654,007	44%
Nevada	64	201	\$ 9,503,754	85	318	\$ 11,556,021	\$ 2,052,268	22%
New Hampshire	151	442	\$ 3,568,260	175	572	\$ 5,437,361	\$ 1,869,102	52%
New Jersey	1267	4606	\$ 64,655,014	1636	5219	\$ 86,825,708	\$ 22,170,693	34%
New Mexico	306	877	\$ 26,608,699	390	1082	\$ 34,324,967	\$ 7,716,267	29%
New York	2500	8711	\$ 107,930,795	3297	9653	\$ 138,461,485	\$ 30,530,690	28%
North Carolina	638	1541	\$ 75,115,023	686	2436	\$ 114,581,379	\$ 39,466,355	53%
North Dakota	216	469	\$ 5,116,887	254	613	\$ 5,548,310	\$ 431,422	8%
Ohio	2025	6124	\$ 76,602,573	2450	6183	\$ 95,336,874	\$ 18,734,301	24%
Oklahoma	821	3947	\$ 61,418,480	1154	4033	\$ 80,623,771	\$ 19,205,291	31%
Oregon	360	1250	\$ 15,968,171	420	1452	\$ 24,852,266	\$ 8,884,095	56%
Pennsylvania	2005	4874	\$ 63,645,376	2151	5059	\$ 84,033,394	\$ 20,388,018	32%
Rhode Island	169	310	\$ 5,934,277	178	398	\$ 6,927,235	\$ 992,958	17%
South Carolina	270	649	\$ 33,540,920	393	1488	\$ 60,793,513	\$ 27,252,592	81%
South Dakota	200	599	\$ 6,390,780	258	608	\$ 8,456,505	\$ 2,065,725	32%
Tennessee	638	1330	\$ 56,188,041	677	1608	\$ 75,767,559	\$ 19,579,519	35%
Texas	2279	7865	\$ 158,019,981	2796	8794	\$ 314,426,879	\$ 156,406,899	99%
Utah	175	574	\$ 29,548,731	198	599	\$ 31,052,025	\$ 1,503,294	5%
Vermont	214	844	\$ 3,887,440	244	891	\$ 5,036,003	\$ 1,148,564	30%
Virginia	473	1563	\$ 40,242,749	575	1904	\$ 56,403,215	\$ 16,160,466	40%
Washington	591	1904	\$ 30,784,037	767	2127	\$ 47,494,586	\$ 16,710,549	54%
Washington, D.C.	65	270	\$ 9,166,484	105	337	\$ 9,337,968	\$ 171,484	2%
West Virginia	196	734	\$ 23,387,049	213	663	\$ 22,744,801	\$ (642,248)	-3%
Wisconsin	1193	2669	\$ 34,916,418	1359	3099	\$ 50,542,944	\$ 15,626,526	45%
Wyoming	72	435	\$ 5,539,128	75	503	\$ 5,393,113	\$ (146,015)	-3%

Source: USAC.org





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Tammy Baldwin  
United States Senate  
717 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Baldwin:

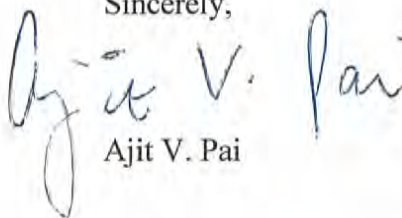
Thank you for your letter regarding the retraction by the Acting Chiefs of the FCC's Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Managing Director of the "E-rate Modernization Progress Report" released on January 18, 2017.

As I said in my first remarks to the agency's terrific career staff, I believe one of our core priorities going forward must be to close the digital divide. And a more effective E-Rate program—one that promotes better connectivity for students and library patrons alike—can be a powerful tool to help bridge that divide. E-Rate is a key component of the Universal Service Fund and can help millions of children in America benefit from digital learning. This is why, four years ago, I said that "E-Rate is a program worth fighting for." And this is why I have advocated for a student-centered approach to E-Rate, one in which program support follows the student, rather than being distributed through a complicated, outdated priority system. We must also streamline the E-Rate funding process, making it easier for schools to apply for and obtain funding without having to fill out seven different series of forms and/or spend scarce funds (which should be devoted to students) on outside consultants. And we must end the incentives for wasteful spending, distribute funds more fairly, and make the program much more transparent.

The report at issue was released in the last days of the previous Administration. Not only were Commissioners not given the traditional 48 hours to review it, but it was not shown *at all* to Commissioners before being released. This was unacceptable and an abuse of the FCC's processes. Reports like this should not be (and henceforth, will not be) issued without advance notice being provided to Commissioners. Revocation simply affirms that a report issued improperly has no legal or other effect going forward and does not necessarily reflect the views of a majority of Commissioners. With that said, the report will remain available on the agency's website for public review.

I appreciate your interest in this matter and I look forward to working with you as we pursue the goal of promoting digital learning. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Richard Blumenthal  
United States Senate  
706 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Blumenthal:

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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
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March 22, 2017

The Honorable Cory Booker  
United States Senate  
359 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Booker:

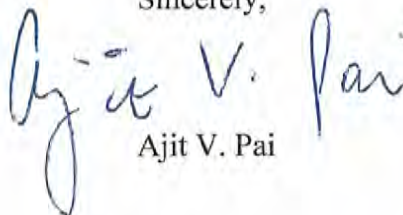
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Bob Casey  
United States Senate  
393 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Casey:

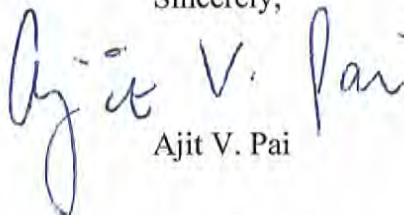
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Al Franken  
United States Senate  
309 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Franken:

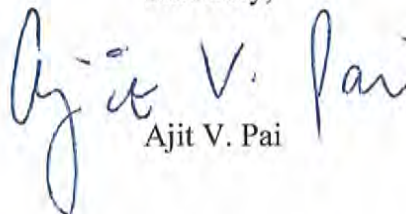
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March 22, 2017

The Honorable Kirsten Gillibrand  
United States Senate  
478 Russell Senate Office Building  
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Dear Senator Gillibrand:

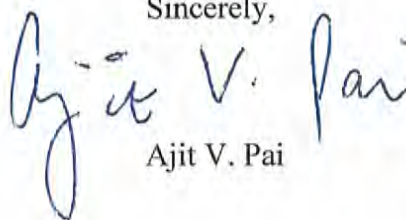
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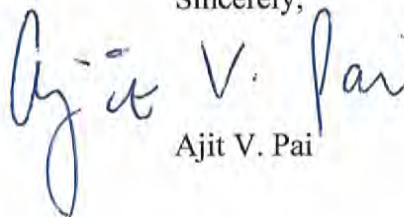
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The report at issue was released in the last days of the previous Administration. Not only were Commissioners not given the traditional 48 hours to review it, but it was not shown *at all* to Commissioners before being released. This was unacceptable and an abuse of the FCC's processes. Reports like this should not be (and henceforth, will not be) issued without advance notice being provided to Commissioners. Revocation simply affirms that a report issued improperly has no legal or other effect going forward and does not necessarily reflect the views of a majority of Commissioners. With that said, the report will remain available on the agency's website for public review.

I appreciate your interest in this matter and I look forward to working with you as we pursue the goal of promoting digital learning. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai





FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Jeff Merkley  
United States Senate  
313 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Merkley:

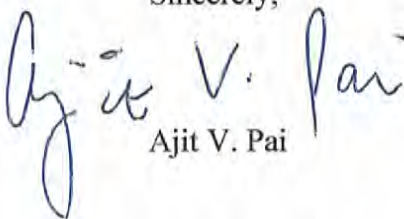
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Gary Peters  
United States Senate  
724 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Peters:

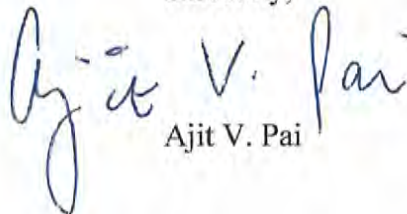
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Tom Udall  
United States Senate  
531 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Udall:

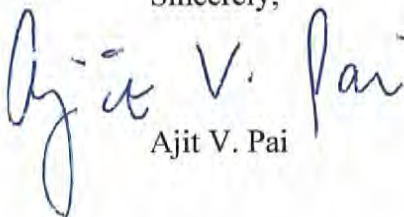
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Elizabeth Warren  
United States Senate  
317 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Warren:

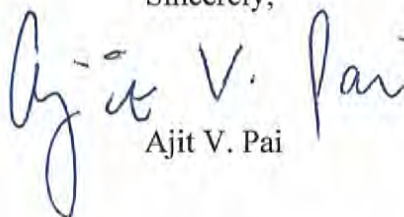
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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 22, 2017

The Honorable Ron Wyden  
United States Senate  
221 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Wyden:

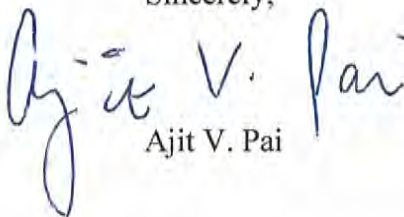
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